



DEPARTMENT OF EDUCATION

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To: All Programs
From: Colleen Fillmore, Ph.D., R.D., L.D.
Child Nutrition Programs Director
Date: September 7, 2006
Subject: Exemptions Under the Competitive Foods Regulation
Informational Memo CNP-06-08

This is to inform you of recent changes to the list of exemptions under the Competitive Foods Regulation. Eight new products have been added to the list of exemptions and two companies and their products have been removed.

Products Added

Brach's® Confections, Inc. has added Orchard Fruit™ Fruit Snacks; Brookside Fruit Company has added X-Treme Fruit™ bites – Atomic Apple; and Arcor USA, Inc. has added Arcor Fruit Snacks Mixed Fruit, Strawberry, Cherry and Grape to the list of products exempted from the "jellies and gums" category of "foods of minimal nutritional value," as defined in 7CFR Part 210.11(a)(2) and Part 220.2(i-1).

Red Toe Sodas, LLC has added Red Toe Soda Fruit Punch and Red Toe Soda Orange to the list of products exempted from the "soda water" category of "foods of minimal nutritional value" [7CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)].

The exemption of the products listed above means that they are no longer considered foods of minimal nutritional value and can therefore be sold during the meal period in a school food service area. This does not mean that these products are approved or endorsed by the Food and Nutrition Service. Nor does an exemption indicate that these products have significant nutritional value. In addition, the exemptions should not be perceived as guidance or encouragement to State agencies and school food authorities concerning their possible purchase.

Products Removed

Farley Foods, U.S.A. and its previously exempted products, Farley's THE ROLL Cherry Fruit Roll slp and Farley's THE ROLL Strawberry Fruit Roll slp have been removed from the list of products exempted from the "jellies and gums" category of "foods of minimal nutritional value," as defined in 7CFR Part 210.11(a)(2) and Part 220.2(i-1). Mac Farms, Inc., e-Moo Carbonated Dairy-Based Beverage Orange Sparkle has been removed from the list of products exempted from the "soda water" category of "foods of minimal nutritional value" [7CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)].

As always, please be aware that several companies with exempted foods produce similar products that are not exempted and therefore are still considered foods of minimal nutritional value. The exemption of one product does not mean that similar products or a family of products are exempted unless specifically stated in an exemption letter and included on the exemption list.

The ingredient statement of each exempted food is included in the enclosed exemption list. This should allow schools to differentiate between exempted products and similar non-exempted products.

If you have any questions on the exemption list or the new additions made to the list, please contact the Child Nutrition Division at 208-332-8620